Executive Summary – Enforcement Matter – Case No. 46028 LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION RN101201960

Docket No. 2013-0139-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Paradise Acres Water System, located at the intersection of Farm-to-Market Road 356 and Lakeshore North, Polk County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 2, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,464

Amount Deferred for Expedited Settlement: \$0 **Amount Deferred for Financial Inability to Pay:** \$0

Total Paid to General Revenue: \$1,464 **Total Due to General Revenue:** \$0

Payment Plan: N/A **SEP Conditional Offset:** \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A Maior Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Executive Summary – Enforcement Matter – Case No. 46028 LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION RN101201960 Docket No. 2013-0139-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: December 4, 2008, December 11, 2008, August 16, 2012,

and November 26, 2012

Date(s) of NOE(s): September 30, 2012 and December 22, 2012

Violation Information

- 1. Failed to provide two or more wells having a total capacity of 0.37 gallons per minute ("gpm") per connection as required by the approved alternate capacity requirements [30 Tex. Admin. Code § 290.45(b)(1)(D)(i)].
- 2. Failed to flush all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels [30 Tex. Admin. Code § 290.46(1)].
- 3. Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes ("TTHM") based on the running annual average [30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health & Safety Code § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

- a. Within 60 days, begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels and begin maintaining monthly flushing records;
- b. Within 75 days, submit written certification demonstrating compliance with Ordering Provision a.;
- c. Within 180 days, provide a minimum well production capacity of 0.37 gpm per connection;
- d. Within 195 days, submit written certification demonstrating compliance with Ordering Provision c.;

Executive Summary – Enforcement Matter – Case No. 46028 LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION RN101201960 Docket No. 2013-0139-PWS-E

- e. Within 365 days, return to compliance with the running annual average MCL for TTHM; and
- f. Within 380 days, submit written certification demonstrating compliance with Ordering Provision e.;

In lieu of completing Ordering Provisions c. through f.:

- g. Within 90 days, submit to the Executive Director for review and approval an engineering plan and schedule which includes but is not limited to, the construction designed to provide adequate well production capacity and to achieve compliance with the MCL for TTHM.
- h. Within 105 days:
- i. Submit written certification demonstrating compliance with Ordering Provision g.; and
- ii. Begin implementing the approved engineering plan and schedule, including but not limited to the construction designed to provide adequate well production capacity and to achieve compliance with the MCL for TTHM.
- i. Within 180 days, and on a quarterly basis thereafter, submit progress reports to the TCEQ. These reports shall include information regarding actions taken by the Respondent towards completion of the corrective actions designed to provide adequate well production capacity and to achieve compliance with the MCL for TTHM;
- j. Within 720 days, submit written certification demonstrating the completion of construction designed to provide adequate well production capacity and that a minimum well production capacity of 0.37 gpm per connection is being provided;
- k. Within 1,085 days, return to compliance with the running annual average MCL for TTHM; and
- l. Within 1,110 days, submit written certification demonstrating compliance with Ordering Provision k.

Litigation Information

Date Petition(s) Filed: N/A Date Answer(s) Filed: N/A SOAH Referral Date: N/A

Executive Summary – Enforcement Matter – Case No. 46028 LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION

RN101201960 Docket No. 2013-0139-PWS-E

Hearing Date(s): N/A **Settlement Date:** N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katy Montgomery, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4016; Candy Garrett, Enforcement Division,

MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Doyle G. LaGow, Director, LAKE LIVINGSTON WATER SUPPLY AND

SEWER SERVICE CORPORATION, P.O. Box 1149, Livingston, Texas 77351

Mary Massie, Treasurer, LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE

CORPORATION, P.O. Box 1149, Livingston, Texas 77351

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 8-Oct-2012 25-Jan-2013 Screening 24-Oct-2012 **EPA Due** 30-Sep-2011 PCW RESPONDENT/FACILITY INFORMATION Respondent LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION Reg. Ent. Ref. No. RN101201960 Facility/Site Region 10-Beaumont Major/Minor Source Major **CASE INFORMATION** Enf./Case ID No. 46028 No. of Violations Order Type Findings Docket No. 2013-0139-PWS-E Media Program(s) Public Water Supply Government/Non-Profit Yes Multi-Media Enf. Coordinator Katy Montgomery EC's Team Enforcement Team 2 \$50 Maximum Admin. Penalty \$ Limit Minimum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$250 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Subtotals 2, 3, & 7 \$55 **Compliance History** 22.0% Enhancement Enhancement for four NOVs with same/similar violations and one NOV Notes with dissimilar violations. 0.0% Enhancement Subtotal 4 \$0 Culpability No The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 *Capped at the Total EB \$ Amount Total EB Amounts \$1,807 Approx. Cost of Compliance \$305 SUM OF SUBTOTALS 1-7 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount

Adjustment

Final Assessed Penalty

Reduction

0.0%

\$305 \$305

\$0

\$305

Notes

Notes

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 24-Oct-2012

Docket No. 2013-0139-PWS-E

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE

Respondent CORPORATION

Case ID No. 46028

Reg. Ent. Reference No. RN101201960

History Notes

Media [Statute] Public Water Supply Enf. Coordinator Katy Montgomery

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

nnliance History Worksheet

Other written NOVs Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of judgements) Any criminal convictions of this state or the federal government (number of judgements)	Component	Number of	Enter Number Here	Adjus
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria) Any adjudicated final court judgments or consent decrees or non-adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) O 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No ONO ONO Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program Participation in a voluntary	NOVs		4	20%
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Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Please Enter Yes or No Other Environmental management systems in place for one year or more No O'% Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program No O'% Adjustment Percentage (Subtotal 2 at Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3)	Convictions	· · · · · · · · · · · · · · · · · · ·	0	0%
Audits Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Please Enter Yes or No Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program Early compliance with, or offer of a product that meets future state or federal government environmental requirements Adjustment Percentage (Subtotal 2 at Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3)	Emissions	Chronic excessive emissions events (number of events)	0	0%
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Other Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government environmental requirements Adjustment Percentage (Subtotal 2 at Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3) N/A Adjustment Percentage (Subtotal 3)		Plea	ase Enter Yes or No	
Other Under a special assistance program		Environmental management systems in place for one year or more	No	0%
Participation in a voluntary pollution reduction program Early compliance with, or offer of a product that meets future state or federal government environmental requirements Adjustment Percentage (Subtotal 2 at Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) Adjustment Percentage (Subtotal 3)	Other		No	0%
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at Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) pliance History Person Classification (Subtotal 7) N/A Adjustment Percentage (Subtotal 7)		, , , , , , , , , , , , , , , , , , ,	No	0%
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N/A Adjustment Percentage (Subtotal 7	N//	Adjustment Perd	centage (Subt	otal 3
	pliance His to	ry Person Classification (Subtotal 7)		
oliance History Summary	N/A	Adjustment Pero	centage (Subt	otal 7
	pliance Histo	ry Summary	· · · · · · · · · · · · · · · · · · ·	

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening D	te 24-Oct-2012	Docket No. 2013-0139-PWS-E	PCW
Responde	nt LAKE LIVINGSTON WATER SUPPLY A	IND SEWER SERVICE	Policy Revision 2 (September 2002)
Case ID I	Market To Table 1 To T		PCW Revision October 30, 2008
Reg. Ent. Reference l			
	e] Public Water Supply		
	or Katy Montgomery		
Violation Num	per 1		
Rule Cite	30 Tex. Admin.	Code § 290.45(b)(1)(D)(i)	
Violation Descrip	on minute ("gpm") per connection as requirement. Specifically, at the tin the Facility serves 423 connection capacity of 156.51 gpm. However,	is having a total capacity of 0.37 gal required by the approved alternate ne of the investigation, it was docum s and is required to provide a well protide a well the Facility currently provides a well which is a 46.97% deficiency.	capacity ented that roduction
		Bas	se Penalty \$1,000
>> Environmental, Pro	erty and Human Health Matri: Harm	×	
Rele		or	
	ual		7
Pote	tial x	Percent 25%	
>>Programmatic Matri		or	
Falsificat	on Major Moderate Min	Percent 0%	
			.
	o provide adequate well production capa d expose customers of the Facility to a s not exceed levels protect	ignificant amount of contaminants w	
<u> </u>			
		Adjustment	\$750
			\$250
Violation Events	·		
Numbe	of Violation Events 1	69 Number of violation	days
mark only with an	daily weekly monthly quarterly semiannual annual single event	Violation Bas	se Penalty \$250
One quar	erly event is recommended, calculated fr the screening date, C		5, 2012, to
Good Faith Efforts to C	mply 0.0% Reduct	ion	\$0
GOOG FAIGH ENOITS TO C		DPRP/Settlement Offer	
	Extraordinary		
	Ordinary		·
	N/A <u>x</u> (mark w	th x)	
	Notes The Respondent doe	s not meet the good faith criteria for this violation.	
		Violation	n Subtotal \$250
Economic Benefit (EB)	or this violation	Statutory Limi	t Test
GEO. C.		,807 Violation Final Per	naity Total \$305
	Berline Committee Committe	inal Assessed Penalty (adjusted	for limits) \$305
	inis violation P	mai Assessed Femalty (dujusted)	10. mmc3/

		conomic l	Benefit	Wo	rksheet		
Respondent				Highway Lines	ICE CORPORATIO	V	
Case ID No.	78						
eg. Ent. Reference No.		Y					
	Public Water S						Years of
Violation No.		Supply				Percent Interest	Depreciation
violation No.				en de la compa			articular decreases accommodification of
					4775 15	5.0	15
	Item Cost		Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			3			Park to the second
						The same of the sa	And the settler in the law World for falls and
Delayed Costs	W				100		1000
Equipment				0.00	\$0	\$0	\$0
Buildings		da.		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$ 0
Engineering/construction	\$5,000	4-Dec-2008	31-Jan-2014	5.16	\$86	\$1,721	\$1,807
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)		<u> </u>		0.00	\$0	n/a	\$0
Notes for DELAYED costs	production ca	pacity of 0.37 gpn	n, calculated fro to the estim	om the ated d	investigation date ate of compliance.	in order to provide initially documentir	ng the violation
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	enterii	ng item (except i	for one-time avoid	ded costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		1		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
						M _a	

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 CEQ DATES Assigned 8-Oct-2012 **EPA Due** 30-Sep-2011 PCW 25-Jan-2013 Screening 24-Oct-2012 RESPONDENT/FACILITY INFORMATION Respondent LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION Reg. Ent. Ref. No. RN101201960 Facility/Site Region 10-Beaumont Major/Minor Source Major CASE INFORMATION No. of Violations 1 Enf./Case ID No. 46028 Docket No. 2013-0139-PWS-E Order Type Findings Government/Non-Profit Yes Media Program(s) Public Water Supply Enf. Coordinator Katy Montgomery Multi-Media EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$150 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** Subtotals 2, 3, & 7 \$33 22.0% Enhancement Enhancement for four NOVs with same/similar violations and one NOV Notes with dissimilar violations. 0.0% Enhancement Subtotal 4 \$0 Culpability No Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 \$0 **Economic Benefit** Total EB Amounts Capped at the Total EB \$ Amount Approx. Cost of Compliance \$183 SUM OF SUBTOTALS 1-7 Final Subtotal \$0 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount

Final Assessed Penalty

Reduction

0.0%

Adjustment

\$183 \$183

\$0

\$183

Notes

Notes

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 24-Oct-2012

Docket No. 2013-0139-PWS-E

Respondent LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION

Case ID No. 46028

Reg. Ent. Reference No. RN101201960 Media [Statute] Public Water Supply

>> Final Compliance History Adjustment

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

liance Histo omponent	ry <i>Site</i> Enhancement (Subtotal 2) Number of	Enter Number Here	Adius
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)		20%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
nd Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	,
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	Participation in a voluntary pollution reduction program	No:	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Pel	rcentage (Sub	total 2
nt violator (Subtotal 3) Adjustment Per	rcentage (Sub	total 3
			serci respecto
liance Histo	ory Person Classification (Subtotal 7)		
N/A	Adjustment Per	centage (Sub	total 7
liance Histo	ory Summary		
Compliance History Notes	Enhancement for four NOVs with same/similar violations and one NOV with dissin	nilar violations.	

Final Adjustment Percentage *capped at 100%

Scree	ening Date	24-Oct-2012		No. 2013-0139-PWS-E		PCW
R	espondent	LAKE LIVINGSTON CORPORATION	WATER SUPPLY AND SEWER	SERVICE	man to the same of the same of	200
	ase ID No.	CORPORATION				3 (September 2011) sion August 3, 2011
Reg. Ent. Refe	CONTRACTOR OF THE PARTY OF THE				ren nen.	non ragust 3, 2011
		Public Water Suppl	√			C. Je v System
		Katy Montgomery	•			and the second
Viola	tion Number	1				THE PROPERTY OF THE PROPERTY O
	Rule Cite(s)		30 Tex. Admin. Code §	§ 290.46(I)		Action of the Control
Violation	n Description		dead-end mains at monthly in mplaints are received from v residuals fall below accep	vater customers or if disini		
4-19				Base	e Penalty	\$1,000
•	_					
>> Environmen	ital, Propei	ty and Human	Health Matrix Harm			700
30	Release	Major M	oderate Minor			
OR	Actual	Control of the Contro				***
	Potential		X I	Percent 15.0%		000
> Ducaren es es el	ia Matrix					· vocamental in the control of the c
>>Programmat	Falsification	Major M	oderate Minor			
				Percent 0.0%		Of all of the contract of the
			ns monthly, or more often to			4
Matrix			of the Facility becoming exp ot exceed levels that are pro			and the second s
Notes	contamir	iants, which would r	environment.	rective of fluman health of	r trie	The state of the s
L						1
				Adjustment	\$850	
						\$150
Violation Event	s				L	7
	Number of	Violation Events	1 69	9 Number of violation	days	sagrossa, moggapa, moggapa
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event	x	Violation Base	e Penalty	\$150
Va antiquipmanantiphonore visitori	One quarterly		ded, calculated from the inve screening date, October 24,		2012, to	N COST SELECTION AND A SELECTION ASSECTION ASS
Good Faith Effo	rts to Com	ply	0.0% Reduction			\$0
GOOG FAITH EING	its to com		efore NOV NOV to EDPRP/Settlem	ent Offer		
		Extraordinary				as we will be a second of the
		Ordinary				or in making or
		N/A	x (mark with x)			out values or
		Notes	Respondent does not meet this violation	- 1		standard Market Lance
egyption would be a second of the second of		L		Violation	Subtotal	\$150
	ea (EB) t-	. Notes of a last to				
Economic Bene				Statutory Limit		
	Estimat	ed EB Amount	\$41]	Violation Final Pena	-	\$183
			This violation Final Assess	sed Penalty (adjusted fo	or limits)	\$183

	RN101201960 Public Water S					Percent Interest	Years of Depreciation
Violation No.	1			ALUESTON		5.0	Depreciation 1:
	•••••••		Final Date	V	turana esta	Onetime Costs	EB Amount
Item Description		Date Required	rinai Date	113	Interest Saveu	Offerine Coats	EU AIIIUUIIC
	7233 P Prophy J Pro-						
Delayed Costs					4.5		12
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$750	16-Aug-2012	31-May-2013	0.79	\$2	\$39	\$41
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0	n/a n/a	\$0 \$0
Remediation/Disposal		JL		0.00	\$0		
						/	
Permit Costs Other (as needed)			# 1	0.00	\$0 \$0	n/a n/a	\$0 \$0
				0.00	\$0 begin a routine r		\$0 nain flushing
Other (as needed) Notes for DELAYED costs	progra	am, calculated fro	m the date of th	0.00 ount to e inves	\$0 begin a routine r stigation to the es	n/a monthly dead-end m timated date of com	\$0 nain flushing pliance.
Other (as needed)	progra	am, calculated fro	m the date of th	0.00 ount to e inves	\$0 begin a routine r stigation to the es	n/a monthly dead-end m	\$0 nain flushing pliance.
Other (as needed) Notes for DELAYED costs Avoided Costs	progra	am, calculated fro	m the date of th	0.00 ount to e inves	\$0 begin a routine restigation to the est or gitem (except \$0	n/a monthly dead-end m timated date of com for one-time avoid	\$0 nain flushing pliance.
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	progra	am, calculated fro	m the date of th	ount to e inves	\$0 begin a routine restigation to the esting item (except)	n/a monthly dead-end m timated date of com for one-time avoid \$0	\$0 nain flushing pliance. ded costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	progra	am, calculated fro	m the date of th	0.00 count to converte investments converte investm	\$0 begin a routine restigation to the est ng item (except \$0 \$0	n/a monthly dead-end m timated date of com for one-time avoid \$0 \$0	\$0 nain flushing pliance. ded costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	progra	am, calculated fro	m the date of th	0.00 ount to e inves enterir 0.00 0.00	\$0 begin a routine ristigation to the est 19 item (except \$0 \$0 \$0	n/a monthly dead-end m timated date of com for one-time avoid \$0 \$0 \$0 \$0	\$0 nain flushing pliance. ded costs) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	progra	am, calculated fro	m the date of th	0.00 ount to e inves enterii 0.00 0.00 0.00	\$0 begin a routine ristigation to the est ng item (except \$0 \$0 \$0 \$0 \$0	n/a monthly dead-end m timated date of com for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 hain flushing pliance. ded costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	progra	am, calculated fro	m the date of th	0.00 ount to e inves enterin 0.00 0.00 0.00 0.00 0.00	\$0 begin a routine retigation to the est ng item (except \$0 \$0 \$0 \$0 \$0	n/a monthly dead-end m imated date of com for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 hain flushing pliance. ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 17-Dec-2012 PCW 25-Jan-2013 Screening 15-Jan-2013 EPA Due 30-Sep-2011 RESPONDENT/FACILITY INFORMATION Respondent LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION Reg. Ent. Ref. No. RN101201960 Facility/Site Region 10-Beaumont Major/Minor Source Major **CASE INFORMATION** Enf./Case ID No. 46028 No. of Violations 1 Docket No. 2013-0139-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit Yes Multi-Media Enf. Coordinator Katy Montgomery EC's Team Enforcement Team 2 \$1,000 Admin. Penalty \$ Limit Minimum \$50 Maximum Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** \$110 22.0% Enhancement Enhancement for four NOVs with same/similar violations and one NOV Notes with dissimilar violations. Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes \$0 Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 **Total EB Amounts** Capped at the Total EB \$ Amount \$1,226 Approx. Cost of Compliance \$5,000 SUM OF SUBTOTALS 1-7 \$610 Final Subtotal \$0

0.0%

0.0%

Adjustment

Adjustment

Final Penalty Amount

Final Assessed Penalty

Reduction

\$610

\$610

\$0

\$610

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Screening Date 15-Jan-2013

Docket No. 2013-0139-PWS-E

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE

Respondent CORPORATION

Case ID No. 46028

Reg. Ent. Reference No. RN101201960

Media [Statute] Public Water Supply Enf. Coordinator Katy Montgomery

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Compliance History Worksheet

Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Enter Number Here	Adjus
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	##ZX\$5850000################################	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0.9000000000000000000000000000000000000	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	ROSE DO DO DE ENTRE DE CONTRE DE LOS DE DESENTADOS DE CONTRE DE LA CONTRE DEL CONTRE DE LA CONTRE DEL CONTRE DE LA CONTRE DEL CONTRE DE LA CONTRE DE LA CONTRE DE LA CONTRE DE LA CONTRE DE	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	\$5000000000000000000000000000000000000	0%
Audics	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ease Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
~~,	Participation in a voluntary pollution reduction program	No	00%

	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
]	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History **Notes**

Enhancement for four NOVs with same/similar violations and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Da			Docket No. 2013-0139-PWS-E	PCW
Pesponde	nt CORPORATION	ON WATER SUPPLY A	AND SEWER SERVICE	Policy Revision 2 (September 2002)
Case ID N	700C000C			PCW Revision October 30, 2008
Reg. Ent. Reference N				
Media [Statut	e] Public Water Sup			
	or Katy Montgomer	У		
Violation Numb				
Rule Cite	(s) 30 Tex. Ad		13(f)(4) and Tex. Health & Safety C 341.0315(c)	ode §
Violation Descript	per liter ("mg/L average. Specif running annu quarter of 201	") for total trihalome fically, at the time of ual average concents 1, 0.091 mg/L for th	contaminant level ("MCL") of 0.080 ethanes ("TTHM") based on the runifithe record review, it was documentation for TTHM was 0.089 mg/L for the second quarter of 2011, 0.104 mg/L for the fourth quarter of 2	ning annual ted that the the first g/L for the
			Ва	se Penalty \$1,000
>> Environmental, Prop		Harm		
OR Act Poten	cual	Moderate Min	Percent 50%	
>>Programmatic Matrix				
Falsification		Moderate Min	or Percent 0%	
	P.			
			ers of the Facility to be exposed to s seed levels protective of human hea	- T
Notes an	louries or contaminar	ics willer did flot ext	seed levels protective of fidinali fied	
			Adjustment	\$500
				\$500
Violation Events				
				- CONTRACTOR AND AND CONTRACTOR CONTRACTOR OF THE CONTRACTOR CONTR
Number	of Violation Events	1 1	364 Number of violation	n days
•	daily			
	weekly			
mark only o	ne monthly		Violation Ba	se Penalty \$500
with an x			Violation Ba	se Penalty \$500
	annual	×		
	single event			
		One annual event is	recommended.	
Good Faith Efforts to Co	mply	0.0% Reduct	ion	\$0
GOOG FAIGH ENGIGES TO CO	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		DPRP/Settlement Offer	<u> </u>
	Extraordinary			
	Ordinary			
	N/AIL	X ∥(mark wi	ith x)	7
	Notes	The Respondent doe	s not meet the good faith criteria fo this violation.	
	ACCOUNTS OF THE PROPERTY OF TH		Violatio	n Subtotal \$500
Economic Benefit (EB) f	or this violation	n	Statutory Lim	it Test
Estin	nated EB Amount	\$1	,226 Violation Final Pe	naity Total \$610
_ 				
CONTRACT CON		inis violation F	inal Assessed Penalty (adjusted	101 Hittel 2010

	RN101201960 Public Water S					Percent Interest	Years of
Violation No.	1					46.0	Depreciation
						5.0	15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						Same
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Mar-2011	30-Sep-2014	3.50	\$58	\$1,168	\$1,226
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	l n/a	\$0
Other (as needed)					\$0 or the Facility to in	n/a nplement an alterna	\$0 tive form of
Notes for DELAYED costs	disinfection,	calculated from t	he last day of t	nount fo he first compli	\$0 or the Facility to in quarter of noncor ance.	n/a nplement an alterna npliance to the estin	\$0 tive form of nated date of
Notes for DELAYED costs Avoided Costs	disinfection,	calculated from t	he last day of t	nount fo he first compli enterir	\$0 or the Facility to in quarter of noncorance. In gitem (except in the second	n/a nplement an alterna npliance to the estir for one-time avoice	\$0 tive form of nated date of ded costs)
Notes for DELAYED costs Avoided Costs Disposal	disinfection,	calculated from t	he last day of t	nount for he first compli entering 0.00	\$0 or the Facility to in quarter of noncor ance. ag item (except \$0	n/a nplement an alterna npliance to the estir for one-time avoic \$0	\$0 tive form of nated date of led costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	disinfection,	calculated from t	he last day of t	nount for the first compliance of the compliance	\$0 or the Facility to in quarter of noncor ance. Ing Item (except 1 \$0 \$0 \$0	n/a nplement an alterna npliance to the estir for one-time avoid \$0 \$0	tive form of nated date of \$0\$ ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	disinfection,	calculated from t	he last day of t	nount for the first compliance of the compliance of the compliance of the compliance of the complex of the comp	\$0 or the Facility to in quarter of noncorance. ig item (except \$0 \$0 \$0	n/a nplement an alterna npliance to the estin for one-time avoic \$0 \$0 \$0	\$0 tive form of nated date of led costs) \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	disinfection,	calculated from t	he last day of t	nount for the first compliant of the compliant of the compliant of the compliant of the complex	\$0 or the Facility to in quarter of noncorance. In the facility to in quarter of noncorance. In the facility to in quarter of noncorance. \$0 \$0 \$0 \$0 \$0	n/a nplement an alterna npliance to the estir for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 tive form of nated date of led costs) \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	disinfection,	calculated from t	he last day of t	enterir 0.00 0.00 0.00 0.00	\$0 or the Facility to in quarter of noncorance. **gitem (except ** \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a nplement an alterna npliance to the estin for one-time avoic \$0 \$0 \$0 \$0 \$0 \$0	\$0 tive form of nated date of ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	disinfection,	calculated from t	he last day of t	nount for the first compliant of the compliant of the compliant of the compliant of the complex	\$0 or the Facility to in quarter of noncorance. In the facility to in quarter of noncorance. In the facility to in quarter of noncorance. \$0 \$0 \$0 \$0 \$0	n/a nplement an alterna npliance to the estir for one-time avoic \$0 \$0 \$0 \$0 \$0	\$0 tive form of nated date of led costs) \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 3 (September 2011) PCW Revision August 3, 2011 Assigned 17-Dec-2012 PCW 25-Jan-2013 Screening 15-Jan-2013 EPA Due 30-Sep-2011 RESPONDENT/FACILITY INFORMATION Respondent LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION Reg. Ent. Ref. No. RN101201960 Facility/Site Region 10-Beaumont Major/Minor Source Major CASE INFORMATION Enf./Case ID No. 46028 No. of Violations 1 Docket No. 2013-0139-PWS-E Order Type Findings Media Program(s) Public Water Supply Government/Non-Profit Yes Enf. Coordinator Katy Montgomery Multi-Media EC's Team Enforcement Team 2 Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$300 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** \$66 22.0% Enhancement Subtotals 2, 3, & Enhancement for four NOVs with same/similar violations and one NOV Notes with dissimilar violations. Culpability 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 Economic Benefit 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts Capped at the Total EB \$ Amount \$0 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$366 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Adjustment Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

0.0%

\$366

\$366

\$366

\$0

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

No deferral is recommended for Findings Orders.

22%

Screening Date 15-Jan-2013

Docket No. 2013-0139-PWS-E

LAKE LIVINGSTON WATER SUPPLY AND SEWER

Respondent SERVICE CORPORATION

Case ID No. 46028

Reg. Ent. Reference No. RN101201960

Media [Statute] Public Water Supply

Enf. Coordinator Katy Montgomery

Policy Revision 3 (September 2011) PCW Revision August 3, 2011

Compliance History Worksheet
>> Compliance History Site Enhancement (Subtotal 2)

component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	4	20%
	Other written NOVs	1	2%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
	Pie	ease Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
ouic.	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
at Violator (N/A		roontaga (Sub	total 2)
	ry Person Classification (Subtotal 7)	centage (Sub	war sj
N/A		centage (Sub	total 7)
oliance Histo	ry Summary		
Compliance History Notes	Enhancement for four NOVs with same/similar violations and one NOV with dissin	nilar violations.	
	Total Compliance History Adjustment Percentage (S	Subtotals 2	3. & 7)

Final Adjustment Percentage *capped at 100%

Screening Date	70/20/40	Docket No. 2013-0139-PWS-E	PCW
Respondent	LAKE LIVINGSTON WATER SUPPL	LY AND SEWER SERVICE	Poline Pavision 2 (Contombor 2011)
Case ID No.	46028		Policy Revision 3 (September 2011) PCW Revision August 3, 2011
Reg. Ent. Reference No.			TOW NEVISION August 5, 2011
Media [Statute]	Public Water Supply		
Enf. Coordinator	Katy Montgomery		-
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 290	0.113(f)(4) and Tex. Health & Safety Co 341.0315(c)	de §
Violation Description	per liter ("mg/L") for total trihald average. Specifically, at the time running annual average conce quarter of 2012, 0.121 mg/L for	num contaminant level ("MCL") of 0.080 omethanes ("TTHM") based on the runnie of the record review, it was document entration for TTHM was 0.122 mg/L for it the second quarter of 2012, and 0.119 third quarter of 2012.	ng annual ed that the he first
		Bas	e Penalty \$1,000
>> Environmental, Propert		trix	
Release	Harm Major Moderate I	Minor	
OR Actual	×		
Potential		Percent 30.0%	
>>Programmatic Matrix			
Falsification	Major Moderate I	Minor	
		Percent 0.0%	in the second se
		omers of the Facility to be exposed to significant exceed levels protective of human health	
		Adjustment	\$700
	то постоя на шино постоя у свор до на постоя решения общений в постоя на пост		±200
And and a second			\$300
Violation Events			
Number of V	iolation Events 1	Number of violation	days
mark only one with an x	daily weekly monthly quarterly semiannual	Violation Bas	e Penalty \$300
	annual x single event		The state of the s
	One annual ever	nt is recommended.	
Good Faith Efforts to Comp		luction to EDPRP/Settlement Offer	\$0
	Extraordinary Extraordinary	2 25 Tray Scalarification of the	
	Ordinary		
TO THE PROPERTY OF THE PROPERT	N/A <u>x</u> (mar	k with x)	
	Notes The Respondent of	does not meet the good faith criteria for this violation.	
1		Violation	Subtotal \$300
Economic Benefit (EB) for	his violation	Statutory Limit	Test
Estimate	d EB Amount	\$0 Violation Final Pen	alty Total \$366
	This violation	n Final Assessed Penalty (adjusted 1	or limits) \$366

	E	conomic	Benefit	Wo	rksheet		
Respondent	LAKE LIVINGS	STON WATER SUPP	PLY AND SEWER	R SERVI	ICE CORPORATION	·	
Case ID No.	46028						
Reg. Ent. Reference No.	. RN101201960)					
Media Public Water Supply						Percent Interest	Years of
Violation No.	. 1					r creent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs					1,000		
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	1000		CONTRACTOR				
Fermit Costs		11		0.00	\$0	n/a	\$0
Other (as needed)		 		0.00	\$0	n/a	\$0
	The delayed	costs of compliance		0.00 in the I	\$0	n/a or Violation No. 2 in	\$0
Other (as needed)	·		PCW for publi	0.00 in the E c drinki enterir	\$0 Economic Benefit fing water violation or item (except)	n/a or Violation No. 2 in	\$0 the Revision 2
Other (as needed) Notes for DELAYED costs	·		PCW for publi	in the I c drinki enterir	\$0 Economic Benefit fing water violation Ing item (except \$0	n/a or Violation No. 2 in s. for one-time avoid	\$0 the Revision 2 ded costs)
Other (as needed) Notes for DELAYED costs Avoided Costs	·		PCW for publi	in the Ec drinki	\$0 Economic Benefit fing water violation Ing item (except \$0 \$0	n/a or Violation No. 2 in s. for one-time avoid \$0 \$0	\$0 the Revision 2 ded costs) \$0 \$0
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EQ Compliance History Report

PUBLISHED Compliance History Report for CN600623029, RN101201960, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, CN600623029, LAKE LIVINGSTON WATER Classification: NOT APPLICABLE Rating: N/A

or Owner/Operator:

SUPPLY AND SEWER SERVICE CORPORATION

Regulated Entity:

RN101201960, PARADISE ACRES WATER Classification: NOT APPLICABLE Rating: N/A

SYSTEM

Complexity Points:

N/A

Repeat Violator: N/A

CH Group:

14 - Other

Compliance History Period: September 01, 2007 to August 31, 2012

Location:

AT THE INTERSECTION OF FARM-TO-MARKET ROAD 356 AND LAKESHORE NORTH, POLK COUNTY, TEXAS

TCEQ Region:

REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

WATER LICENSING LICENSE 1870076

1870076

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared:

January 15, 2013

Agency Decision Requiring Compliance History:

Component Period Selected: January 15, 2008 to January 15, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Katy Schumann

Phone: (512) 239-2602

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period?

YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

NO

3) If YES for #2, who is the current owner/operator?

N/A

4) If YES for #2, who was/were the prior owner(s)/operator(s)?

N/A

5) If YES, when did the change(s) in owner or operator occur?

N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

1

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

Date: 03/28/2012 (1050539) Self Report? NO

CN600623029

Classification: Moderate Citation:

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description:

TTHM MCL 4Q2011 - The system violated the maximum contaminant level for

trihalomethanes during the 4th quarter of 2011.

2

Date:

05/04/2012 (1050539)

CN600623029

Self Report? NO

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Citation:

Description:

TTHM MCL 1Q2012 - The system violated the maximum contaminant level for

trihalomethanes during the 1st quarter of 2012.

3

4

Date:

05/09/2012 (996222)

CN600623029

Self Report? NO

Classification:

Classification:

Citation:

Date:

30 TAC Chapter 290, SubChapter D 290.46(m)(4) Failure to maintain the distribution lines in a water tight condition.

Description:

08/21/2012 (1050539)

CN600623029

Self Report? NO

Classification:

Moderate

Minor

Moderate

Citation: Description:

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

TTHM MCL 2Q2012 - The system violated the maximum contaminant level for

trihalomethanes during the 2nd guarter of 2012.

5

Date: 09/25/2012 (1050539)

Self Report? NO

CN600623029 Classification:

Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description:

TTHM MCL 3Q2012 - The system violated the maximum contaminant level for

trihalomethanes during the 3rd quarter of 2012.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



§	BEFORE THE
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AGREED ORDER DOCKET NO. 2013-0139-PWS-E

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION (the "Respondent") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at the intersection of Farm-to-Market Road 356 and Lakeshore North in Polk County, Texas (the "Facility")

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION DOCKET NO. 2013-0139-PWS-E Page 2

that has approximately 423 service connections and serves at least 25 people per day for at least 60 days per year.

- During investigations conducted on December 4, 2008, December 11, 2008, and August 16, 2012, TCEQ staff documented that the Facility serves 423 connections and is required to provide a well production capacity of 156.51 gallons per minute ("gpm"). However, the Facility currently provides a well production capacity of 83 gpm, which is a 46.97% deficiency.
- 3. During an investigation conducted on August 16, 2012, TCEQ staff documented that the Respondent did not flush all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels.
- During a record review conducted on November 26, 2012, TCEQ staff documented that the running annual average concentration for total trihalomethanes ("TTHM") was 0.089 milligrams per liter ("mg/L") for the first quarter of 2011, 0.091 mg/L for the second quarter of 2011, 0.104 mg/L for the third quarter of 2011, 0.118 mg/L for the fourth quarter of 2011, 0.122 mg/L for the first quarter of 2012, 0.121 mg/L for the second quarter of 2012, and 0.119 mg/L for the third quarter of 2012.
- 5. The Respondent received notice of the violations on October 4, 2012 and December 27, 2012.

II. CONCLUSIONS OF LAW

- The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
- As evidenced by Findings of Fact No. 2, the Respondent failed to provide two or more wells having a total capacity of 0.37 gpm per connection as required by the approved alternate capacity requirements, in violation of 30 Tex. ADMIN. CODE § 290.45(b)(1)(D)(i).
- 3. As evidenced by Findings of Fact No. 3, the Respondent failed to flush all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels, in violation of 30 Tex. ADMIN. CODE § 290.46(i).
- As evidenced by Findings of Fact No. 4, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM based on the running annual average, in violation of 30 Tex. ADMIN. CODE § 290.113(f)(4) and Tex. HEALTH & SAFETY CODE § 341.0315(c).

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION DOCKET NO. 2013-0139-PWS-E Page 3

- Pursuant to Tex. Health & Sapety Code § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of One Thousand Four Hundred Sixty-Four Dollars (\$1,464) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). The Respondent has paid the One Thousand Four Hundred Sixty-Four Dollar (\$1,464) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

The Respondent is assessed an administrative penalty in the amount of One Thousand Four Hundred Sixty-Four Dollars (\$1,464) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION, Docket No. 2013-0139-PWS-E" to:

Financial Administration Division, Revenue Operations Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- The Respondent shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels and begin maintaining monthly flushing records, in accordance with 30 Tex. ADMIN. CODE § 290.46:
 - Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.J. below to demonstrate compliance with Ordering Provision No. 2.a.;

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION DOCKET NO. 2013-0139-PWS-E Page 4

- c. Within 180 days after the effective date of this Agreed Order, provide a minimum well production capacity of 0.37 gpm per connection, as required by 30 Tex. ADMIN. CODE § 290.45;
- d. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.1. below to demonstrate compliance with Ordering Provision No. 2.c.;
- e. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; and
- f. Within 380 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.l. below to demonstrate compliance with Ordering Provision No. 2.e.;

In lieu of completing Ordering Provision Nos. 2.c. through 2.f.;

Within 90 days after the effective date of this Agreed Order, submit to the Executive Director for review and approval an engineering plan and schedule which includes but is not limited to, the construction designed to provide adequate well production capacity and to achieve compliance with the MCL for TTHM. The engineering plan and schedule shall be submitted to:

Water Supply Division
Utilities Technical Review, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- h. Within 105 days after the effective date of this Agreed Order:
 - Submit written certification as described in Ordering Provision No. 2.1. below to demonstrate compliance with Ordering Provision No. 2.g.; and
 - ii. Begin implementing the approved engineering plan and schedule, including but not limited to the construction designed to provide adequate well production capacity and to achieve compliance with the MCL for TTHM, in accordance with 30 Tex. ADMIN. CODE § 290.45.
- i. Within 180 days after the effective date of this Agreed Order, and on a quarterly basis thereafter, submit progress reports to the TCEQ to the addresses identified in Ordering Provision No. 2.I. These reports shall include information regarding actions taken by the Respondent towards completion of the corrective actions designed to provide adequate well production capacity and to achieve compliance with the MCL for TTHM;

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION DOCKET NO. 2013-0139-PWS-E Page 5

- j. Within 720 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.l. below to demonstrate the completion of construction designed to provide adequate well production capacity and that a minimum well production capacity of 0.37 gpm per connection is being provided in accordance with 30 Tex. Admin. Code § 290.45;
- k. Within 1,085 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 Tex. ADMIN. CODE § 290.113; and
- Within 1,110 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.k. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION DOCKET NO. 2013-0139-PWS-E Page 6

and:

Public Drinking Water Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION DOCKET NO. 2013-0139-PWS-E Page 7

other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 Tex. ADMIN. CODE § 70.10(b) and Tex. GOV'T CODE § 2001.142.

LAKE LIVINGSTON WATER SUPPLY AND SEWER SERVICE CORPORATION DOCKET NO. 2013-0139-PWS-E Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Pamo Days 2	9/18/13
For the Executive Director	Date
agree to the attached Agreed Order on bei	nd the attached Agreed Order in the matter of LAKE VER SERVICE CORPORATION. I am authorized to half of LAKE LIVINGSTON WATER SUPPLY AND to agree to the specified terms and conditions. I epting payment for the penalty amount, is materially
limited to, the right to formal notice of viole evidentiary hearing, the right to an evidential	reed Order, LAKE LIVINGSTON WATER SUPPLY valves certain procedural rights, including, but not ations addressed by this Agreed Order, notice of an ary hearing, and the right to appeal. I agree to the lentiary hearing. This Agreed Order constitutes full the violations set forth in this Agreed Order.
I also understand that failure to comply wand/or failure to timely pay the penalty amound A negative impact on compliance hist Greater scruiny of any permit applies	'American Company's Compan
Referral of this case to the Attorne additional penalties, and/or attorney increased penalties in any future enfo	y General's Office for contempt, injunctive relief,
 Automatic referral to the Attorney G and 	eneral's Office of any future enforcement actions;
. TCEO seeking other relief as authorize	ed by law. ce documents may result in criminal prosecution.
Signature Mossie	6-20-2013 Date
MARY MASSIE Name (Printed or typed)	Treasurer
Authorized Representative of LAKE LIVINGSTON WATER SUPPLY AND S	EWER SERVICE CORPORATION
Instructions: Send the original signed Agreed Order	